

RESPONSE TO EXAMINER'S ADVISORY ACTION DATED 04/08/2004

Applicant asserts that no new matter was added with the substitute specification and claims and that none was intended to be added. While the scope of some of the new claims appears to be broader than the originally filed claims, Applicant asserts that this was properly done without adding new matter as the original specification supplied disclosure and substantive information of all matter now claimed; the substitute specification was provided as completely rewritten since the original pro se application was replete with grammatical errors, was editorializing rather than having the appropriate format, which is now provided by the substitute specification. By way of example, claim 22 does not add new matter as it is supported by the original specification at the "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS" section in paragraph [0023] from the published application on the www.uspto.gov website, the relevant section set forth hereinbelow:

[0023] Referring now to the drawings, FIG. 1. shows a oblong shaped design referred to as a cover 10. The cover 12. has a main body comprised from a flexible lightweight percale fabric 12. whereas the maximum volume of fabric used 12. does not surpass 1 ounce after it's construction into the cover 10. possessing no outer seams in the cover 10. or fabric 12, no matter the size of the ceiling fan paddle/blade.

Also, the claims provided herewith were not intended to affirmatively claim a ceiling fan blade and therefore the existence of a ceiling fan blade in the drawings is not required, since it is not provided as an element affirmatively claimed. Instead the ceiling fan blade cover(s) according to the present invention are designed and constructed to be capable of being installed on respective ceiling fan blade(s).

Applicant has filed the RCE in order to continue prosecution and asserts that the scope of the newly proposed claims do not so broaden the original scope of the invention that a new search would be needed. Since the substitute specification was drafted without the intention of adding new matter, but to address the issues raised by the Examiner with the specification, Applicant asserts that these newly proposed claims, which were modified as herein to ensure that nothing positively claimed was not shown in the figures, these modifications being made under the assumption that the Examiner did not enter the post-Final Office Action response with proposed new claims to be the last claims on file.

ARGUMENTS

Rejection of Claims on Art Grounds in the 11/17/2003 Office Action, and Traversal Thereof

In the 17 November 2003 Office Action, Claims 1 – 13 were rejected under 35 U.S.C. 112 for failing to define the invention in the required manner. The foregoing amendments are asserted to be fully responsive toward overcoming the rejections stated in the Office Action.

In addition, the following claims have been rejected on prior art grounds under 35 U.S.C 102 (b), as follows:

Claims 8 and 10 are rejected as being anticipated by Delander 2,871,590.

Claims 9 -10 are rejected as being anticipated by Tranberg 4,622,908.

Claim 10 was also rejected as being anticipated by Smith 5,427,291 and Hanyu 4,648,340.

Claim 11 was rejected as being anticipated by DeMeo 5,591,006 and Anetrini 5,516,264.

Claim 12 was rejected as being anticipated by Rochon 2002/0084011.

Claim 13 was rejected as being anticipated by DeMeo 5,591,006.

The above rejections of the claims 1-13 on the stated art grounds are traversed, and now moot in light of the cancellation of those claims, and consideration of the patentability of the newly added claims 14- 35 is requested, in light of the following remarks.

The Examiner had indicated in his Office Action that claims 1, 2, and 4-6 would be allowable if rewritten to overcome the 112 rejections. The foregoing amendments to the claims, being adapted into the newly added claims, are asserted to overcome the 112 rejections, without adding new matter, clearly setting forth the claimed invention, and to be presently in condition for allowance.

As to the Delander reference, the Applicant notes that the invention discloses an ironing board cover designed, constructed and configured for covering an ironing board, which the reference teaches require covers to fit tightly over the ironing surface thereof (col. 1, lines 25-27); applicant asserts that, inasmuch as the Delander reference teaches a cover expressly disclosed, taught, and described for application directly to an ironing board alone. Delander does not include all of the components of the claimed invention as to claims 8 and 10, or to the newly corresponding claims now added, which provide for a ceiling fan blade cover having an elastic strap at a center portion of the cover, with the elastic strap being tacked to each side of the cover, thereby creating a pivot point or stop for secure attachment of the cover to the blade to prevent the cover from loosening during movement of the blade while the fan is operating.

One of ordinary skill in the art will recognize and appreciate that Delander's invention was established for providing a smooth surface onto which a garment is placed for smooth, even pressing. Delander nowhere teaches or suggests that the cover has applicability to any other surface, shape or component other than an ironing board. By sharp contrast, the

present invention's application to a ceiling fan introduces distinctions of cover construction and method of use, since a ceiling fan blade and its respective cover are designed, constructed and configured to permit movement in a rotational manner during operation of the fan, while ironing boards are recognized as being static objects, in particular during operation or use thereof. The present invention ceiling fan blade cover is designed, constructed and configured to be tight-fitting so as to be unnoticeable as a cover, and so as to avoid imbalancing the fan when attached to each blade (paragraph 0007 in the published application). The central location of the elastic band as in claim 8 provides for these two features, which are nowhere taught, disclosed or described in the prior art cited. By contrast, Delander teaches a plurality of elastic bands positioned near the opposite ends of the ironing board cover, not at a central location; thus Delander does not serve as a 102 reference, and is distinguished if the examiner uses it as a 103 reference.

The Tranberg reference teaches a sleeve shaped body protector including a bar tack. Tranberg does not disclose a ceiling fan blade having such a component, and does not have every component of the claimed invention in claims 9-10; also, it is not presently applied as a 102 reference to the newly added claims.

Similarly, the other references cited by the examiner do not properly provide for 102 references, inasmuch as none of the references cited teaches or discloses all the elements of the claimed invention.

Claims 14-35, now amended, are asserted to be in patentable condition. Allowance of these claims is hereby respectfully requested. In the event that the Examiner finds additional minor modifications that would place these claims in allowable condition, the Examiner is

respectfully requested to make telephonic contact with the Attorney of Record to discuss and make changes via Examiner's Amendment to place the claims in condition for allowance.

The above rejections of the claims now pending newly added claims 14-35 (claims 1-13 canceled) on the stated art and utility grounds are traversed, and consideration of the patentability of the claims 14-35 is requested, in light of the foregoing remarks. Favorable action is therefore requested.

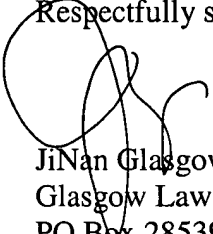
CONCLUSION

In view of the foregoing, claims 14-35, now amended, constituting the claims pending in the application, are submitted to be fully patentably and in allowable condition to address and overcome the rejections.

If any issues remain outstanding, incident to the allowance of the application, Examiner Verdier is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at jinang@trianglepatents.com to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art and particularly pointing out and distinctly claiming the subject matter that the applicant regards as the invention.

This Request for Continued Examination is submitted via USPS Express Mail on May 17, 2004. A third extension of time and payment for same is hereby requested and submitted herewith.

Respectfully submitted,



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